

**REMARKS**

Claims 1, 9-11, 15, 19, 22, 26-29, 31-33, 37, and 39-43 were pending prior to this Response. Claims 26 and 41 have been deemed allowable. By the present communication, no claims have been added, claims 1, 9-11, 15, 19, 22, 31-33, 37-40, 42, and 43 have been canceled without prejudice or disclaimer, and claim 27 has been amended to define Applicants' invention with greater particularity. Support for the amended claims may be found in the specification and claims as originally filed. Accordingly, claims 26-29 and 41 are currently under consideration.

**Rejection Under 35 U.S.C. §102**

Applicants respectfully traverse the rejection of claims 1, 9-11, 15, 19, 22, 27-29, 31-33, 37, and 39-40 and 42-43 under 35 U.S.C. §102(e) as allegedly being anticipated by Barker et al. (U.S. Pat. No. 6,369,201; hereinafter, "Barker"). To anticipate, a single reference must inherently or expressly teach each and every element of claimed invention. *In re Spada*, 15 USPQ2d 1655 (Fed. Cir. 1990); and *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP § 2131. Applicants have canceled claims 1, 9-11, 15, 19, 22, 31-33, 37-40, 42, and 43 without prejudice or disclaimer, rendering the rejection moot as to those claims. Without acquiescing to the reasoning offered by the Office, and in order to expedite prosecution of the instant application, Applicants have amended claim 27 to depend from claim 26, which has been deemed allowable. As such, Applicants submit that claims 27-29 are equally allowable since those claims now encompass all of the limitations of an allowed claim. Accordingly, withdrawal of the rejection is respectfully requested.

**Conclusion**

In view of the amendments and above remarks, it is submitted that the claims are in condition for allowance, and a notice to that effect is respectfully requested. The Examiner is invited to contact Applicant's undersigned representative if there are any questions relating to this application.

The Commissioner is hereby authorized to charge \$60.00 as payment for the Petition for One-Month Extension of Time fee to Deposit Account No. 07-1896. Additionally, the Commissioner is hereby authorized to charge any other fees that may be due in connection with the filing of this paper, or credit any overpayment to Deposit Account No. 07-1896, referencing the above-referenced Attorney docket number.

Respectfully submitted,

Date: December 21, 2007



Antony M. Novom, J.D.  
Registration No.: 45,517  
Telephone: (858) 638-6641  
Facsimile: (858) 677-1465

DLA PIPER US LLP  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133  
**USPTO CUSTOMER NO. 28213**